

UNITED STATES DISTRICT COURT

DISTRICT OF

North Dakota

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

V.

Case Number: 02:06-mj-24-01

Anthony ELINGER

(Name and Address of Defendant)

I, the undersigned complainant state that the following is true and correct to the best of my

knowledge and belief On or about February 26th, 2006 in Grand Forks County, in
the _____ District of North Dakota defendant(s) did,

(Track Statutory Language of Offense)

Knowingly attempt to persuade, induce, and/or entice an individual who has not attained the age of 18 years, to engage in sexual activity, for which a person could be charged with a criminal offense.

in violation of Title 18 United States Code, Section(s) 2422(b) and 2423(b)

I further state that I am a(n) Special Agent and that this complaint is based on the
following facts:

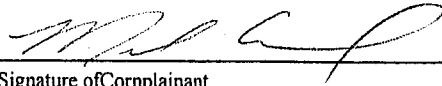
Official Title

See Attachment "A"

SCANNED

DATE: 2-28-06

Continued on the attached sheet and made a part of this complaint:

Yes ☒No ☐

Signature of Complainant

Michael Arel

Printed Name of Complainant

Sworn to before me and signed in my presence,

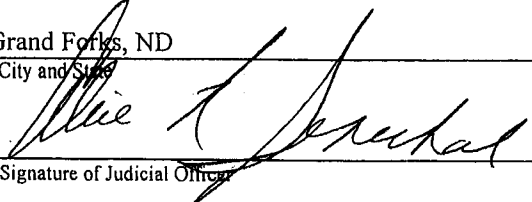
February 27, 2006
Date

at

Grand Forks, ND
City and State

Alice R Senechal - United States Magistrate Judge

Name and Title of Judicial Officer


Signature of Judicial Officer

ATTACHMENT "A"

AFFIDAVIT

Before the undersigned United States Magistrate Judge, Grand Forks, ND, the undersigned Complainant, being first duly sworn, states:

Count 1

(18 U.S.C. 2422(b) - Coercion and Enticement)

Beginning on or about February 1st, 2006, in the Federal District of North Dakota, at Grand Forks, ND, Anthony ELINGER did knowingly attempt to persuade, induce, and/or entice an individual who has not attained the age of 18 years, to engage in sexual activity, for which a person could be charged with a criminal offense.

Count 2

(18 U.S.C. 2423(b) - Travel with intent to engage in sexual act with a juvenile)

Beginning on or about February 26th, 2006, in the Federal District of North Dakota, at Grand Forks, ND, Anthony ELINGER did knowingly travel in interstate commerce for the purpose of engaging in any sexual act (as defined in section 2246) with a person under 18 years of age that would be in violation of section 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States.

Complainant, as a Federal Agent of the United States Immigration and Customs Enforcement (ICE), states the following as and for probable cause:

1. Your Affiant is a Senior Special Agent of the United States Immigration and Customs Enforcement, currently assigned to the Resident Agent in Charge (RAC) Grand Forks, ND.
2. Your Affiant has had formal training in the investigation of various types of criminal activity related to child exploitation, including the luring of minors via the internet for the purposes of engaging in sexual activity.
3. This affidavit is based on information collected during the course of this investigation by your Affiant, and other law enforcement officers.
4. On February 1, 2006, your Affiant, while working in an undercover capacity as a 15-year-old girl on a Yahoo chat

room, was contacted by individual using the screen name "quick_silver_70," (later identified as Anthony ELINGER).

5. Elinger initially asked your Affiant about "her" age, sex, and location and your Affiant responded that "she" was a 15-year-old female from North Dakota.
6. Subsequently, ELINGER described himself as a 35-year-old male from Minnesota.
7. ~~7. (M)~~
8. ELINGER e-mailed your Affiant a link to a Yahoo "Personals" page which contained a photograph of an individual ELINGER claimed to be him.
9. A query of the Minnesota Department of Motor Vehicles produced a driver's license for an individual with the name of Anthony ELINGER, with a date of birth of July 12 [REDACTED]. The image on the driver's license appears to be of the same individual that is depicted in the Yahoo! "Personals" web page.
10. Sometime after your Affiant indicated to Ellinger that "she" was a 15-year-old girl, he asked, "so would u like to hook up?"
11. ELINGER provided a telephone number to your Affiant and stated, "call me". (It should be noted that a reverse Internet lookup of this number indicated it belonged to Anthony ELINGER [REDACTED] New London, MN).
12. On February 14, 2006, at approximately 4:33 p.m., your Affiant was signed onto a Yahoo Chat room using the same undercover identity, and received an instant message from ELINGER stating, "hey Happy Valentines Day Sweetie" ELINGER went on to ask, "...gosh where have you been?...I've been looking for you lol...so do you still wanna get together?"
13. Your Affiant indicated that "she" would like to get together but that "she" was nervous. Your Affiant sent an image of a 15-year-old female to ELINGER, to which ELINGER responded, "gosh ur cute".
14. ELINGER indicated in that chat that he wanted to speak with your Affiant, and therefore your Affiant provided a cell phone number for that purpose.
15. ELINGER went on to say, "...Happy Valentines by the way sweetie...I wish I could be there to spend it with you...so you are single right?"

16. ELINGER then asked your Affiant, "are you a virgin...". When your Affiant stated "she" was, ELINGER asked, "would you like to lose it?" Your Affiant stated, "umm...lol yeah I think so, I mean im really curious about it and everything...", to which ELINGER replied, "lol...well...would you let me be your lucky one?" Your Affiant stated, "omg would u really wanna do that with me?", to which ELINGER replied, "yes is that ok?"
17. ELINGER then asked if your Affiant had plans for the weekends. Your Affiant stated that "she" did for the upcoming weekend, but not most weekends. ELINGER then suggested, "well maybe we should get together not this weekend but next weekend". Your Affiant then asked, "omg...like so u mean you would like come to grand forks then??" ELINGER replied, "sure why not", then stated, "would u be able to get away for a day?" ELINGER indicated that he and your Affiant could, "...hang out...get a bite to eat...shopping lol anything u want".
18. On February 16, 2006, your Affiant received an email, (at the undercover email account for the identity ELINGER had been communicating with), from tkelinger@hotmail.com, which stated:

"Hey you! Whatcha up to? I tried call you yesterday, but you never answered? I'll try calling you again today ok. So what are your plans for this weekend? I'll try to get online this afternoon ok. If not, email me when you get this ok. See ya!"
19. On or about February 16, 2006, and continuing through February 19, 2006, ELINGER left numerous offline messages for your Affiant wondering why your Affiant had not been online, and also indicating that he missed your Affiant.
20. On February 21, 2006, at approximately 3:40 p.m., ELINGER called the undercover telephone number previously provided by your Affiant and spoke with a female police officer working undercover as your Affiant's online identity.
21. On February 22, 2006, ELINGER left a voicemail on the telephone number provided to him by your Affiant, stating, "Hey it's me.. .um just called to say hi . . .give me a call at home."
22. Continuing on February 22, 2006, at approximately 3:33 p.m., your Affiant received an instant message from ELINGER. In that message, Ellinger indicated that he was attracted to your ~~affidavit~~^{affiant's} voice and that he was still interested in getting together over the weekend.

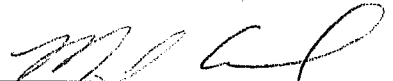
23. ELINGER indicated that he would drive to Grand Forks for the purpose of meeting your Affiant.
24. Thereafter, ELINGER asked your Affiant what "she" was wearing, and inquired if "she" was wearing a thong. ELINGER then asked, "...do you masturbate...do you ever get horny". ELINGER then asked, "do you wanna touch yourself?" ELINGER then asked your Affiant if "she" would consider masturbating while talking on the phone to him.
25. ELINGER once again expressed interest in meeting Your Affiant. Eventually, your Affiant told Elinger that "she" lived by a hotel in Grand Forks. ELINGER stated he could pick "her" up near the hotel, and your Affiant explained that it would be unnecessary because the hotel was located right behind "her" house, and that "she" could walk there. ELINGER then instructed your Affiant that "she" could come right to his hotel room. ELINGER also asked if your Affiant would consider spending the night with him in the hotel room to which "she" responded that she would be willing to do so. Your Affiant asked Ellinger what they would do in the hotel room and ELINGER asked, "you wanna make love...?" Your Affiant indicated that "she" would be nervous, to which ELINGER replied, "I'll teach ya." Your Affiant indicated "she" was nervous about getting pregnant, to which ELINGER replied, "no...I'll bring a condom."
26. Your Affiant suggested that Sunday, February 26, would probably be a better day for a meeting.
27. Subsequently, ELINGER asked, "would you go down on me...would you suck my cock?"
28. Your Affiant expressed concern that "she" would be nervous about engaging in any sexual activity with Elinger because "she" would get into trouble if "her" mom found out. ELINGER then indicated, "...sweetie,,,I can go to jail...cuz ur under 18".
29. ELINGER then shared his sexually suggestive thoughts with your Affiant, including, "...like going down licking your pussy...sucking on your pussy lips, nibbling on your wet throbbing clit...then grabbing me on top of you and I slowly slide my hard cock inside ur wet pussy".
30. Your Affiant asked ELINGER how "she" would know when ELINGER would be in Grand Forks, and ELINGER replied that "yu have to call my cell phone...I have urs too". ELINGER then indicated that your Affiant should masturbate so "she" would know what to expect when he arrived there. ELINGER again indicated that he wanted your Affiant to call him on the telephone, and provided "her" his telephone number.

31. Continuing on February 22, 2006, following the previously documented chat with ELINGER, a female police officer, while working undercover as Your Affiant's online identity, placed a monitored telephone call to ELINGER, at the number he provided. During the course of this telephone conversation, ELINGER asked, "so are you excited?" The undercover police officer responded that she was but that she was nervous because it would be her "first time". ELINGER then stated, "I won't do anything you don't want me to do, ok?" ELINGER then stated, "So you want me to come up Sunday, huh?" The undercover police officer indicated that Sunday would be better because she might have to babysit on Saturday. ELINGER went on to say, "I can't wait". He also stated, "How come you don't have a boyfriend...god your gorgeous." ELINGER then stated, "I just can't wait to go down on you...", and described in graphic detail the sexual acts he wanted to perform on her. ELINGER also told the undercover police officer that he was masturbating during both their previous chats, and the current telephone call. ELINGER then asked, "your not going to tell any of your friends this are you?" ELINGER asked the undercover police office whether she would meet him for a second time if you liked what happened. The undercover police officer explained that ELINGER would have to travel to Grand Forks because she did not have her driver's license yet and ELINGER replied, "I know".
32. On February 26th, 2006, at approximately 12:30 p.m., ELINGER left a message on the voicemail of the previously provided telephone number of 701-330-6212, and directed "her" to call him when "she" got his message. At approximately 12:54 p.m., the undercover police officer returned ELINGER'S telephone call, and spoke with ELINGER. ELINGER stated that he was in Grand Forks, and was in his pickup, behind the hotel that the two had previously discussed, (Settle Inn). ELINGER described his vehicle as a pewter colored pickup truck. The undercover police officer indicated that it would be approximately a half an hour before she could come there, and that she would call when she was on her way.
33. Continuing on this date, at approximately 1:20 p.m., ELINGER was encountered in the parking lot of the Settle Inn hotel. ELINGER was sitting, parked, in a 1999 Chevrolet Silverado pickup, silver (pewter) in color, bearing Minnesota license plate RVH299, registered to Anthony ELINGER, of New London, MN.
34. ELINGER was identified by a Grand Forks Police Department uniformed patrol officer. ELINGER stated he was there to

meet someone, and stated that person's name, (which is the name of the undercover identity ELINGER had been communicating with)).

35. ELINGER was taken into custody at that time. ELINGER was informed of his rights, per Miranda, which he agreed to waive. ELINGER signed a waiver of those rights. ELINGER was then interviewed, at which time he admitted to leaving New London, MN, at approximately 7:00 a.m. on that date. He stated that the purpose of the trip was to meet the individual with whom he had been chatting with online, and whom he believed was a fifteen year old female.

North Dakota Century Code Section 12.1-20-07(1)(f) criminalizes sexual contact between an adult and a minor age fifteen years or older.


MICHAEL AREL
Senior Special Agent
U.S. Immigration and
Customs Enforcement

SUBSCRIBED and SWORN to me
On this 21st day of February, 2006


ALICE R SENECHAL
UNITED STATES MAGISTRATE JUDGE